



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

SEP 29 2005

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Robert D. Wilson, Director
Environmental Operations, NY
KeySpan Corporation
175 East Old County Road
Hicksville, New York 11801-4280

Dear Mr. Wilson:

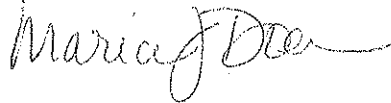
Pursuant to Section 6(e) of the Toxic Substances Control Act (TSCA), and the applicable federal regulations in 40 CFR 761, the National Program Chemicals Division (NPCD) of the United States Environmental Protection Agency (EPA) is issuing an approval to store and decontaminate PBS and PCB contaminated pipe. The enclosed approval, entitled "APPROVAL FOR RISK-BASED STORAGE OF NON-LIQUID POLYCHLORINATED BIPHENYL (PCB) WASTE" (Approval) to KeySpan Corporation (KeySpan).

This Approval shall become effective on the date I receive an original signed copy of the acceptance form on page 12, indicating your intention to fully comply with the conditions of this Approval. The person signing this form must be an officer of KeySpan. EPA may withdraw this approval if it does not receive this from KeySpan within 45 days. This Approval shall remain in effect until October 1, 2010. Notwithstanding, EPA may suspend or revoke this Approval at any time in accordance with the conditions stated therein and/or when it has reason to believe that the continued operation of this facility presents an unreasonable risk to human health or the environment. The failure of KeySpan to meet any portion of this Approval could result in civil and/or criminal, penalties, in addition to any other legal or equitable relief or remedy the EPA may choose to pursue.

It is the responsibility of KeySpan to ensure that all applicable provisions of the TSCA-PCB regulations at 40 CFR 761 are followed. This Approval does not relieve KeySpan of its responsibility to determine and comply with all other Federal, state, and local regulations and ordinances applicable to its waste management activities.

Please contact Winston Lue of my staff at (202) 566-0511, if you have any technical questions pertaining to this approval.

Sincerely,

A handwritten signature in cursive script, appearing to read "Maria J. Doa".

Maria J. Doa, Ph.D.

Director

National Program Chemicals Division

Enclosure

cc: Regional Administrators, EPA Regions 1, 2
Commissioner Bradley M. Campbell, New Jersey Department of Environmental Protection
Commissioner Erin M. Crotty, New York State Department of Environmental Conservation
MADEP, Boston, MA
Kim Tisa, USEPA, Region 1
Dan Kraft, USEPA, Region 2

Enclosure 1

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

COMPANY

KeySpan Corporation
175 East Old County Road
Hicksville, NY 11801-4280

**IN THE MATTER OF:
KEYSPAN CORPORATION
HICKSVILLE, NEW YORK**

) **APPROVAL FOR RISK-BASED**
) **STORAGE OF NON-LIQUID**
) **POLYCHLORINATED**
) **BIPHENYL (PCB) WASTE**

AUTHORITY

This Approval to store and decontaminate non-liquid PCB waste is issued pursuant to Section 6(e) of the Toxic Substances Control Act (TSCA), 15 USC § 2605(e), and the Federal PCB regulations at 40 CFR Part 761.

BACKGROUND

KeySpan Corporation (KeySpan) is a public utility servicing customers in New York and Massachusetts with natural gas and electricity. KeySpan has determined that some of its excavated gas pipeline and appurtenances are contaminated with PCBs at concentrations exceeding 50 parts per million (ppm), presumably by historic releases of PCBs into its system from interstate natural gas transmission companies. As a result, KeySpan has generated, and will continue to generate, large volumes of waste contaminated with PBS.

The federal PCB regulations, 40 CFR §761.65(c)(9) contain provisions for storing bulk PCB remediation waste, in lined and covered piles at the site of generation, for up to 180 days. However, KeySpan has proposed to use bulk storage containers in lieu of pile storage; and to use storage areas located away from the site of generation in addition to site of generation storage areas. To effect this proposal, KeySpan has submitted an application to the U.S. Environmental Protection Agency (EPA) for a risk-based PCB disposal approval under 40 CFR §761.61(c), as allowed by 40 CFR §761.60(b)(5)(ii)(B)(3).

Natural gas pipeline systems containing PBS, disposal of which is regulated at 40 CFR §761.60(b)(5), is a subset of *bulk PCB remediation waste*. In accordance with 40 CFR §761.60(b)(5)(ii)(B), "Any component of a natural gas pipeline system may be disposed of..... (3) As a PCB remediation waste in compliance with §761.61." Storage for disposal requirements for PCB remediation waste are contained in 40 CFR §761.65(c), which includes 40 CFR §761.65(c)(iv). "The provisions of this paragraph may be modified under §761.61(c).

FINDINGS

EPA has determined, based on the information provided by KeySpan, that storage and decontamination of bulk PCB remediation waste in storage containers at the site of generation and at several storage areas located within Regions 1 and 2, in accordance with the conditions established herein, will not pose an unreasonable risk of injury to human health or the environment. Therefore EPA authorizes these activities in accordance with §761.61(c) and the conditions contained in this approval.

APPROVAL CONDITIONS

A. PCB Waste Types

1. The terms and abbreviations used herein shall have the meanings as defined in 40 CFR §761.3 unless defined within this Approval.
2. The following types of non-liquid PCB waste regulated for storage and disposal under 40 CFR Part 761 Subpart D may be stored for up to 180 days at or near the site of generation included any associated cleanup site, or at one of the designated centralized storage areas listed in Approval Conditions C.1 and C.2, below.
 - a. *PCB remediation waste*, as defined at 40 CFR §761.3, that is generated as a result of the deactivation/demolition of buildings or other man-made structures that contains residual PCB contamination from past spills of PCB liquids. Such PCB wastes shall be limited to non-liquid materials described in KeySpan's application, specifically natural gas pipelines and appurtenances.

B. Authorized PCB Storage Containers

1. KeySpan shall store oversized or large-volume bulk PCB remediation waste in roll-off boxes which shall be covered with a watertight lid as described in the application submittal dated October 8, 2004. This watertight lid shall prevent contact by precipitation and shall be secured so to prevent removal under normal handling or meteorological conditions at the storage sites. PCB waste storage containers shall be kept covered except when waste is being added to or removed from the container.
2. KeySpan shall drain all pipes and appurtenances of all free flowing liquids before placement into storage in the roll-off boxes. All drained liquids shall be stored in accordance with 40 CFR §761.65 and shall be disposed of in a facility that has been approved under TSCA to manage liquid PCB remediation waste.

C. Authorized Storage Locations and Marking Requirements

1. This Approval is only applicable to KeySpan operations occurring entirely within the geographic boundaries of EPA Region 1 (Maine, Vermont, New Hampshire, Massachusetts, Rhode Island, Connecticut) and EPA Region 2 (New York, New Jersey).
2. KeySpan shall store in roll-off boxes, PCB wastes, generated from locations where removal activities occur at or near the site of generation in accordance with 40 CFR §761.65(c)(9).

3. KeySpan shall store PCB wastes generated from sites of removal within the fenced service centers.
4. Authorized PCB storage areas shall be marked in accordance with 40 CFR §761.40(a)(10).

D. Inspection of PCB Storage Areas and Storage Containers

1. During periods of active use, PCB waste storage locations authorized under this approval and all PCB storage containers present at such sites, shall be inspected at least once per week for evidence of release of liquids, condition of containers and cover integrity. Any liquid waste generated shall be removed and the pipe shall be repackaged or secured as necessary to prevent release of PCBs.
2. KeySpan shall document each inspection in writing and these records shall be maintained in accordance with 40 CFR §761.180(a). Corrective actions for problems found in the inspections shall also be noted in the inspection records.

E. Use and Reuse of Containers and Related Items for PCB Tasks

1. The authorized storage containers specified in Condition B, may be reused without decontamination at the same storage location provided that they are used solely for PCB-related work.
2. KeySpan shall use roll-off boxes for storage of PCB waste. These roll-off boxes shall be marked with the Large PCB Mark, "M_L" as illustrated by Figure 1 in 40 CFR §761.45 .
3. KeySpan may apply other cautionary labels to containers and cover components in addition to the "M_L" mark.

F. Release of PCB Bulk PCB Remediation Waste Storage Containers for Non-PCB Tasks

1. All roll-off boxes for storing PCB bulk PCB remediation waste, and whose surfaces have been in direct contact with PCB, shall be visually inspected and confirmed to contain no freeflowing liquids and non-liquid PCB residue before the container(s) are released for non-PCB use.
2. If the visual inspection, required by Approval Condition F.1, indicates that non-liquid PCB residues are present in the container after it was used for storing PCB bulk product remediation waste, the storage container shall be decontaminated using one of the following methods:

- a. Remove and collect loose chips or residue with a broom and dust pan. After cleaning, visually check the container for presence of chips, residue, or other non-liquid PCB residue. If no non-liquid PCB residues remain following removal of all visible residues, the storage unit container may be released for non-PCB use. If non-liquid PCB residues remain, the container shall be re-cleaned using method (b), below;
 - b. Thoroughly vacuum the interior surfaces of the storage container. Alternatively swab individual areas of residue adherence (e.g., paint residue streaks) with an organic solvent-soaked rag, mop, or other device. After cleaning, visually check the container for presence of paint chips, paint residue, or other non-liquid and liquid PCB residues. If no non-liquid PCB residues remain, the storage unit may be released for non-PCB use. If non-liquid PCB residues remain, the container shall be re-cleaned using method (c), below;
 - c. Remove remaining non-liquid PCB residues by scraping, scarification, abrasive blasting, or other mechanical means. After cleaning, visually check the container for presence of non-liquid PCB residue. If no non-liquid PCB residues remain, the storage unit may be released for non-PCB use. If non-liquid PCB residues remain, KeySpan shall contact EPA Headquarters (NPCD), or EPA Region 1 or EPA Region 2, as applicable to the location of the container, for guidance before prior to releasing the container for non-PCB use.
3. Decontamination wastes and residues shall be disposed in accordance with 40 CFR §761.79(g).
4. To demonstrate the effectiveness of visual inspection to verify that containers are free of visible non-liquid PCB residues and consequently have been adequately decontaminated for non-PCB use, KeySpan shall conduct the following testing program as follows:
 - a. KeySpan shall collect and analyze composite wipe samples from the first ten storage containers used to store PCB bulk product remediation waste.
 - b. Each wipe sample shall be collected as a 5-point composite sample from the four sides and bottom of the container. The wipe sample shall be collected in accordance with the *standard wipe sample* protocol described at 40 CFR §761.123. Wipe sample locations shall be selected in accordance with the procedure in 40 CFR §761.304(a) for each of the five container surfaces. The composite wipe samples shall be analyzed in accordance with the procedure in 40 CFR § 761.272. Sample results shall be reported in micrograms per 100 cm²;

5. The results of the testing program shall be submitted in writing to NPCD. Visual inspection shall be deemed effective and may be used to verify container decontamination if all ten composite wipe sample results are < 10 micrograms per 100 cm^2 .
6. If the testing program described above fails to meet the requirements of Approval Condition F.5, KeySpan shall continue to visually inspect and collect wipe samples from each storage container used to store PCB bulk product remediation waste before release for non-PCB use. In this instance, the container must be visually free of non-liquid PCB residue and the composite wipe sample result must be < 10 micrograms per 100 cm^2 .

G. Release of PCB Remediation Waste Storage Containers for Non-PCB Tasks

1. All roll-off boxes used to store PCB remediation waste containing ≥ 50 parts per million PCB shall be decontaminated prior to non-PCB use in accordance with the standards or procedures of 40 CFR §761.79(b) or (c).
2. Decontamination waste and residues shall be managed in accordance with 40 CFR §761.79(g).

H. Decontamination Records

1. Visual inspections and/or testing to verify decontamination of storage containers for non-PCB use, per Approval Condition F above, shall be documented in writing. Written records of such testing and/or inspections shall be maintained for a minimum of five (5) years.

I. Inspection, Modification, Suspension, and Revocation

1. KeySpan shall allow and assist any authorized representative of the EPA to inspect locations where PCB activity associated with this Approval are occurring, and to inspect and copy records, collect samples, interview personnel associated with the PCB activity(s), and take photographs, as determined necessary by the EPA representative, to determine compliance with the PCB regulations and this Approval. Any refusal by KeySpan to allow and assist such an inspection (as authorized by Section 11 of TSCA) shall be grounds for revocation of this Approval.
2. This Approval, issued pursuant to 40 CFR 761.61(c), is conditioned on full and forthright disclosure of all material facts. Any misrepresentation or omission of any material fact in the Application, or in any records or reports, may result in the EPA's revocation, suspension and/or modification of this Approval, in addition to any other legal or equitable relief or remedy the EPA may choose to pursue.

3. Any modification(s) to the plans, specifications, or information submitted by KeySpan, contained in the Application, and forming or supporting the basis upon which this Approval has been issued, must receive prior written Approval from the EPA. Modifications to this Approval may be authorized, in writing, by the EPA National Program Chemicals Division Director. KeySpan shall inform the Director of EPA-NPCD of any modification, in writing, at least 14 business days prior to such change. No action may be taken to implement any such modification unless the EPA has approved of the modification, in writing. The EPA may request additional information in order to determine whether to approve of the modification.
4. This Approval may be revoked, suspended, and/or modified if, at any time, EPA finds that activities conducted under this Approval pose an unreasonable risk of injury to health or the environment, or if the EPA does not receive information from KeySpan it determines necessary to evaluate such potential risk.

I. Expiration/Renewal

1. This Approval shall expire five (5) years from the date of KeySpan's acceptance of this Approval, unless renewed, revoked, suspended, or terminated in accordance with the Approval conditions stated herein.
2. KeySpan may request a renewal of this Approval by applying in writing to the Director, National Program Chemicals Division, at least 60 days, but not more than 90 days, prior to the expiration date of this Approval.
3. This Approval and its conditions herein will remain in effect beyond the Approval expiration date provided that KeySpan has submitted a timely and complete notice of intent to continue the Approval and, through no fault of KeySpan, the EPA has not issued an Approval renewal.
4. The EPA may require KeySpan to submit additional information in connection with the renewal of this Approval.

J. Issuance of Approval

Approval is hereby granted to KeySpan to store and decontaminate bulk PCB remediation waste subject to the Approval conditions stated herein. This approval is effective until October 1, 2010.

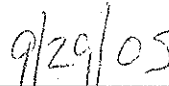
This Approval does not relieve KeySpan from compliance with all applicable federal, state and local regulatory requirements, including the federal PCB regulations at 40 CFR Part 761, and any amendments or revisions hereto.



Maria Doa, Ph.D.

Director

National Program Chemicals Division



Date

Acceptance of Approval

KeySpan hereby acknowledges receipt of this approval and acknowledges its intention to comply with all terms and conditions herein.

Type or Print Name and Company Title

Signature

Date